

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

ASHLEY MCDANIELS, *et al.*

Plaintiffs,

v.

WESTLAKE SERVICES, LLC
D/B/A WESTLAKE FINANCIAL SERVICES

Defendant.

Case No. 1:11-cv-1837-BEL

**MOTION TO VACATE THE ORDER PRELIMINARILY APPROVING SETTLEMENT,
CERTIFYING CLASSES FOR SETTLEMENT PURPOSES, APPOINTING CLASS
COUNSEL AND SETTLEMENT ADMINISTRATOR, AND SETTING SCHEDULE
WITH RESPECT TO NOTICE, SETTLEMENT HEARING AND ADMINISTRATION**

Representative Plaintiff Ashley McDaniels, on behalf of herself and all others similarly situated, by and through undersigned counsel, respectfully moves the Court to Vacate the Order Preliminarily Approving Settlement, Certifying Classes for Settlement Purposes, Appointing Class Counsel and Settlement Administrator, and Setting Schedule with Respect to Notice, Settlement Hearing and Administration (“Preliminary Approval Order”). ECF #15 (entered February 6, 2012). For support Named Plaintiff states that Defendant Westlake Services, LLC d/b/a Westlake Financial Services (“Westlake”) misrepresented material facts in settlement negotiations as confirmed by the Settlement Agreement (ECF #14-2) and the Affidavit of Michael Pavlin (ECF #17-1) produced by Defendant to Named Plaintiff as confirmatory discovery required by the Settlement Agreement.

The misrepresentations in the settlement negotiations and incorporated into the Settlement Agreement are material because the misrepresentations change the character and availability of the legal claims and defenses available to the Classes and Defendant Westlake with respect to the allegations of the Class Action Complaint. For this reason and on advice

from counsel, Named Plaintiff states that she would not have entered into the Settlement Agreement had she been in possession of the accurate information acquired during confirmatory discovery rather than the misrepresentations provided by Westlake. For these reasons, Named Plaintiff requests that the Court vacate the Preliminary Approval Order (ECF #15) and lift the stay entered in this case on August 19, 2011 (ECF #9).

In support of this Motion, Named Plaintiff relies upon the accompanying Memorandum of Law and materials filed with this Court on the docket.

WHEREFORE, Representative Plaintiff requests that the Court: (1) vacate the Preliminary Approval Order (ECF #15); and (2) lift the stay entered in this case (ECF #9).

Respectfully submitted,

Z LAW, LLC

Dated: May 18, 2012

By: /s/ **28191**
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